

## ***Appendix A: Notice of Exemption, May 2002 and Mammoth Bar CDFG Maintenance Agreement, June 2003***

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

**DEPARTMENT OF FISH AND GAME**

Sacramento Valley and Central Sierra Region  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CALIFORNIA 95870  
Telephone (916) 358-1900

GRAY DAVIS, Gov



**\*NOTICE OF EXEMPTION\***

The Department has determined that your project as described in the subject Lake or Streambed Alteration Agreement is exempt from the California Environmental Quality Act (CEQA), and will file a Notice of Exemption for your project. The Notice will be filed with the Office of Planning and Research, as required by CEQA. The Department's compliance with CEQA may be legally challenged for 35 days following the filing of the Notice of Exemption.

This completes the Department's agreement process. You may proceed with your project according to the terms and provisions of your Streambed Alteration Agreement if you have obtained all other permits required from local, other State, and Federal agencies.

Notification No. R2-2003-155

## AGREEMENT REGARDING PROPOSED STREAM ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and California Department of Parks and Recreation, Auburn State Recreation Area of Auburn, State of California, hereafter called the Operator, is as follows:

WHEREAS, pursuant to California Fish and Game Code, Section 1601/03, the Operator, on April 24, 2003, notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed of, the following water: Middle Fork American River, in the County of Placer, State of California, Section 5&6, Township 12N, Range 9E, USGS Map Auburn.

WHEREAS, the Department has determined that such operations may substantially adversely affect existing fish and wildlife resources including: cold and, warm water fish species, amphibians, and other aquatic and terrestrial plant and wildlife species.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the Operator's work. The Operator hereby agrees to accept the following recommendations as part of his work:

*This agreement pertains to the maintenance and grooming of an existing off road vehicle (OHV) track located in the flood plain of the Middle Fork American River at the Mammoth Bar OHV area. The track consists of a MX track, a 90cc track and an ATV training area as described in documents submitted with the notification for this project. This Agreement does not authorize any expansion of the existing track. This agreement is a five year maintenance agreement and will remain in effect for the work period specified below unless the track washes out during high flows and requires rebuilding. Should the track wash out, a Stream Alteration Agreement will be obtained to rebuild the track and a new maintenance agreement will be obtained to maintain the track.*

**Stream Zone Defined:** The stream zone is that portion of the stream channel that restricts lateral movement of water. The stream zone is delineated at the top of the bank or the outer edge of any riparian vegetation, whichever is more landward.

1. The time limit for completing the work within the stream zone of The Middle Fork American River shall be restricted to periods of dry weather in the years of 2003, 2004, 2005, 2006 and 2007. No work will occur during wet weather. Wet weather is defined as when there has been  $\frac{1}{2}$ " of rain in a four hour period or, 1" of rain in a 24-hour period. In addition no work will occur during a dry out period of 24 hours after the above described wet weather. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities shall cease and all reasonable erosion control measures shall be implemented prior to all storm events. Weather forecasts shall be documented upon request by the Department.
2. If the Operator finds more time is needed to complete the authorized activity, the Operator shall submit a written request for a work period time extension to the Department. The work period extension request shall provide the following information: 1) Describe the extent of work already completed; 2) Provide specific detail of the activities that remain to be completed within the stream zone; and 3) Detail the actual time required to complete each of the remaining

Notification Number R2-2003-155

activities within the stream zone. The work period extension request should consider the effects of increased stream conditions, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited growth of erosion control grasses due to cool weather. Time extensions are issued at the discretion of the Department. The Department will review the written request to work beyond the established work period. The Department will have ten calendar days to approve the proposed work period extension. The Department reserves the right to require additional measures designed to protect natural resources. The Operator is required to obtain authorization from all other local, state and federal agencies with regulatory authority over this project.

3. The notification, together with all supporting documents (project descriptions and drawings) submitted with the notification, is hereby incorporated into this agreement to describe the location and features of the proposed project. Operator agrees that all work shall be done as described in the notification and supporting documents, incorporating all project modifications, wildlife resource protection features, mitigation measures, and provisions as described in this agreement. The Operator further agrees to notify the Department of any modifications made to the project plans submitted to the Department. At the discretion of the Department, minor plan modifications may require an amendment to this agreement. At the discretion of the Department, if substantial modifications are made to the original plans, this agreement becomes void and the Operator must submit a new application. Failure to notify the Department of changes to the original plans or subsequent amendments to this agreement may result in the Department suspending or canceling this agreement. The Operator must then submit a new notification.
4. The Operator shall notify the Department where conflicts exist between the provisions of this agreement and those imposed by other regulatory agencies. Unless otherwise notified, the Operator shall comply with the provision that offers the greatest protection to water quality, species of special concern and/or critical habitat.
5. A copy of this agreement shall be provided to the Contractor(s) who works within the stream zone of this project. A copy of this agreement must be available upon request at the work site. The Contractor(s) shall sign this agreement prior to working within the stream zone. If the Contractor is not available at the time this agreement is executed by the Operator, the Operator shall submit, anytime prior to project commencement, a copy of the signature page of this agreement bearing the Contractor's signature to the Department. Fax or mail the signature page to Department of Fish and Game, Environmental Services Desk, FAX No. 916-358-2912 Mailing address, Department of Fish and Game, Sacramento Valley – Central Sierra Region, 1701 Nimbus Road, Rancho Cordova, CA 95670. The Contractor(s) or a designated crew supervisor(s) shall be on site the entire time a work crew is working near the stream zone. The supervisor(s) shall be completely familiar with the terms and conditions of this agreement and shall ensure compliance with all terms and conditions.
6. Precautions to minimize turbidity/siltation of the Middle Fork American River shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season.

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Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes. The Operator is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season).

7. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated. The Department may take enforcement action if appropriate turbidity and siltation control measures are not deployed.
8. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream shall be positioned over drip pans. Pump intakes placed in the stream shall be fitted with 1/8-inch or smaller mesh screens for the period of January 1, through March 30, and 1/4-inch or smaller mesh screens thereafter. The amount of water pumped from the Middle Fork American River will not have a negative impact on in stream resources.
9. Vegetation removal shall be confined to only that amount necessary to maintain rider safety.
10. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake, by Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately. The Department shall be notified immediately by the Operator of any spills and shall be consulted regarding clean-up procedures.
11. During construction, the contractor shall not dump any litter or construction debris within the stream zone. All construction debris and associated materials shall be removed from the work site upon completion of this project.
12. All provisions of this Agreement remain in force throughout the term of the Agreement. Any provisions of the Agreement may be amended or the Agreement may be terminated at any time provided such amendment and/or termination is agreed to in writing by both parties.
13. This agreement is not valid and work may not begin until the agreement is signed by a representative of the Department of Fish & Game. Stream alteration work authorized by this agreement expires on October 15, 2007. If the tracks wash out due to high flows in the Middle Fork American River before October 15, 2007 this agreement will no longer be valid. This agreement shall remain in effect for that time necessary to satisfy all required mitigation and monitoring measures.
14. Requests for Renewals, Extensions, or Amendments must be submitted in writing to the Department prior to expiration of the agreement, conclusion of the work period, or commencement of changed work design, respectively. Renewals, Extensions and Amendments are issued at the discretion of the Department. Processing fees may be assessed.

Notification Number R2-2003-155

15. The Department reserves the right to suspend and/or revoke this agreement if the Department determines that the circumstances warrant. The circumstances that could require a reevaluation include, but are not limited to, the following: A) Failure to comply with the terms/conditions of this agreement. B) The information provided by the operator in support of the agreement/notification is determined by the Department to be incomplete, or inaccurate. C) When new information becomes available to the Department representative(s) that was not known when preparing the original terms/conditions of this agreement. D) The project as described in the notification/agreement has changed, or conditions affecting fish and wildlife resources change.
16. If, in the opinion of the Department, conditions arise or change in such a manner as to be considered deleterious to aquatic life, operations shall cease until corrective measures are taken.
17. This agreement does not constitute or imply the approval or endorsement of a project, or of specific project features, by the Department, beyond the Department's limited scope of responsibility, established by Code Sections 1600 et seq.
18. It is understood that the Department enters into this agreement for purposes of establishing protective features for fish and wildlife, in the event that a project is implemented. The decision to proceed with the project is the sole responsibility of Operator, and is not required by this agreement. It is agreed that all liability and/or incurred costs related to or arising out of Operator's project and the fish and wildlife protective conditions of this agreement, remain the sole responsibility of Operator. Operator agrees to hold harmless and defend the State of California and the Department of Fish and Game against any related claim made by any party or parties for personal injury or other damage.

Notification Number R2-2003-155

SIGNATURE PAGE

The Operator, as designated by the signature on this agreement, shall be responsible for the execution of all elements of this agreement. A copy of this agreement must be provided to contractor and subcontractors and must be in their possession at the work site.

Failure to comply with the provisions of this agreement and with other pertinent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652 and 5948, may result in prosecution.

Nothing in this agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances.

THIS AGREEMENT IS NOT INTENDED AS AN APPROVAL OF A PROJECT OR OF SPECIFIC PROJECT FEATURES BY THE DEPARTMENT OF FISH AND GAME. INDEPENDENT REVIEW AND RECOMMENDATIONS WILL BE PROVIDED BY THE DEPARTMENT AS APPROPRIATE ON THOSE PROJECTS WHERE LOCAL, STATE, OR FEDERAL PERMITS OR OTHER ENVIRONMENTAL REPORTS ARE REQUIRED.

This agreement is not valid and work may not begin until the agreement is signed by a representative of the Department of Fish & Game.

Operator: M.G. Lynch M-K sign Date 6/7/03  
 Title: Supv Ranger  
 Organization: Calif. State Parks

Contractor: \_\_\_\_\_ Date \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_

Department Representative: Banky E. Curtis Date 6/17/03  
Banky E. Curtis, Regional Manager

State of California  
Department of Parks and Recreation

## NOTICE OF EXEMPTION

TO: Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

FROM: Department of Parks and Recreation  
1416 Ninth Street  
P.O. Box 942896  
Sacramento, CA 94296-0001

PROJECT TITLE: Track Maintenance

LOCATION: Auburn State Recreation Area

CITY: COUNTY: Placer

## DESCRIPTION OF THE PROJECT:

Conduct regular grooming and maintenance of the motorcycle tracks and the ATV training area. The work includes grading, repairing jumps and turns, rebuilding berms, replacing sand, repairing fencing, trimming and clearing vegetation for rider safety.

PUBLIC AGENCY APPROVING THE PROJECT: California Department of Parks and Recreation

NAME OF DIVISION OR DISTRICT CARRYING OUT THE PROJECT: Gold Fields District

## EXEMPT STATUS:

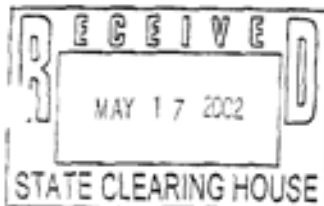
☐ Declared Emergency (Section 15269(a))  
☐ Emergency Project (Section 15269(b) and (c))  
☐ Statutory Exemption (Section: )  
☒ XX Categorical Exemption

Class: 1 Section: 15301

Reason for Exemption: The project is necessary to maintain the existing tracks in  
state safe for public use.

CONTACT: Robert Veltzen, Northern Service Center

TELEPHONE: (916) 445-8789



for   
JACQUELINE BALL  
DISTRICT SUPERINTENDENT

DATE

5/13/02

CEQA # 2752 i f

Auburn SRA 398

California - The Resources Agency DEPARTMENT OF PARKS AND RECREATION <b>PROJECT EVALUATION FORM (Ver. 3)</b>		
Project Title: MC Track Maintenance		Unit: Mammoth Bar
District: Gold Fields/Auburn Sector	690	Project Manager: Mike Lynch
Funding Source: OHV grant	Funded Amount: as needed	Project Manager Phone: (530) 885-4527 ext. 19
Date Prepared: 10/22/01	Start Date: Ongoing	Completion Date: Ongoing

**Project Description**

Grooming and Maintenance of the motorcycle tracks and ATV training area at Mammoth Bar

Description:

This proposal is for the grooming and maintenance of the Motocross (MX) track, the 90cc motorcycle track and the ATV training area at Mammoth Bar, Auburn State Recreation Area.

**MX Track**

The MX track is 3,447 feet long at its centerline and varies from 15 to 30 feet wide. The MX track is located on a river washed bar. The MX track is bounded on north and south sides by parking areas, on the east side by an entrance road and on the west side by service roads.

The MX track is groomed twice a week by use of a bulldozer. The work consists of grading out ruts, remove rocks, filling low spots, repairing turns & jumps and maintaining berms used for track definition. Periodically (two to three times a year) the banked turns must be reconditioned and cut down. This is necessary because heavy use of the track causes the turns to build up higher & higher and also causes the track to widen and move outward. This work requires that the top of the turns be bladed or pulled into the track area and/or the dozer must get behind the turn and push in the top or in some cases move the whole bank back to its normal and best location. Additionally the jumps in the track are modified or changed to provide some variety for the track users.

Portions of the interior of the MX track build up with sand and other materials from the action of riders and from watering. Three to four times a year as needed this material is cleared and moved back on to the track area.

Four to six months of the year (depending upon weather), the MX track is watered for dust control and for grooming purposes. During the dry months the track is watered three to four times a day when OHV riding is allowed and as necessary for grooming and maintenance of the track. This watering is accomplished by using sprinklers and hand watering using water pumped from the M.F. American River (by agreement and under the authority of the US Bureau of Reclamation - see attached letter). Periodically the water system requires repair and maintenance, including digging down to broken or leaking pipes. The digging for repairs is only done in the areas already disturbed to bury the original pipes. Also, safety fencing around the track is periodically repaired and renewed.

Because of summer watering for dust control, vegetation grows quickly around the tracks. Trimming and clearing of weeds, grasses, brush and small trees is necessary for rider safety, proper watering and for maintenance of the tracks. This work is done periodically as needed, but primarily during the summer months.

**RECEIVED**



Maintenance/emergency access roads are located on the east or river side of the MX track. These are graded and groomed several times a year as needed to provide a safe driving surface, to take out ruts and to maintain proper drainage to reduce soil erosion.

There are three culverts in the MX track complex. These are cleared and cleaned as necessary to maintain proper drainage. Additionally, during the winter wet season some interior sections of the track are graded to maintain proper drainage and protect the track from erosion.

#### 90 cc Track

The 90cc track is 1,683 long and an average 10 feet wide. The 90cc track is located on the eastern edge of the river bar. The 90cc track is groomed three to four times a year by grading using a bulldozer or Sweco trail machine to contour the track and turns. The 90cc track is watered periodically by use of an above ground fire hose system.

#### ATV Training area

The ATV training area is a flat area about 100 feet wide and 250 feet long. It is located east of the staging/parking area. It is used primarily for ATV safety training. This area is watered as needed in the summer months. Also as needed, the area is groomed by use of a wire drag or graded with a bulldozer.

The soil types in the project area are typically of the Auburn-Sobrante-Rock outcrop complex; 2 to-10% slope and River Walsh. Vegetation in the area includes California Live Oak; Poison Oak; Willows, Cottonwood, star thistle; and annual grasses. The area has been previously disturbed by mining operations and flooding in the past.

PROJECT CONCEPT APPROVAL

Signature

Title

Date

SSPR

10/23/01



# Appendix B: MB FEMA Project Obligation Report

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA - DR1628

FIPS NO. 000-UBRMS-00

PREPARED DATE 03/10/2006

REPORT DATE 07/06/2006 14:34

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

INF TYPE ☐ INF☒ NON-INF☐ REC

FEMA PIV # 1903 VSN 0 REP# TAS SPT

CATEGORY G. Recreational or Other

COUNTY STATEWIDE

FUNDING OPTION

COST SHARED 75

STD PROJECT NO. 103

PROJECT TITLE MAUMOTH BAR MOTORCYCLE TRACK

PROJECTED CMPLT DT 08/03/2007

ACTUAL CMPLT DT

WORK COMPLETE AS OF 03/03/2006 : 0 %

ELIGIBILITY Yes

AMOUNT ELIG \$232,565.00

FEDERAL SHARE

\$174,416.25 PRIORITY Normal

BEGIN DESIGN DT

BEGIN CONSTR DT

END DESIGN DT

END CONSTR DT

PREPARER SMITH, TIMOTHY A.

ROLE PO

DATA SOURCE Paper

STATE

DATE OBLGTD 06/07/2005

PACKAGE DATE 06/02/2006

PACKAGE ID 98

MT PROP ☒ Yes ☐ NoVALIDATED ☒ Yes ☐ NoPNP QUESTIONS ☐ Yes ☒ NoSTATE RVND ☒ Yes ☐ NoATTACH ☐ Yes ☒ No

PW REVIEWER DATA		
	REVIEWER NAME	DATE
INITIAL REVIEW	AKMAL, MOHAMMAD	05/10/2006
FINAL REVIEW	HARTUNG, ALBERT	05/31/2006

Does the Scope of Work change the pre-disaster conditions at the site?

☐ Yes ☒ No ☐ Unsure

Special Considerations Issues Included?

☒ Yes ☐ No ☐ Unsure

Is there insurance coverage on this facility?

☐ Yes ☒ No ☐ Unsure

Hazard Mitigation proposal included?

☒ Yes ☐ No ☐ Unsure

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA - DR1628

PREPARED DATE 03/10/2006

FIPS NO. 000-USA6-00

REPORT DATE 07/06/2006 14:34

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

INF TYPE ☐ INF

SUBDIVISION

☒ NON-INF

FEMA PIW #

1903

VSN 0

REF# TAS SPT

☐ REC

SITE NUMBER 1 of 1

FACILITY NAME MAMMOTH BAR MOTORCYCLE TRACK

Latitude 36.9163

ADDRESS

Longitude -121.0038

CITY

STATE CA ZIP

Check if this site will have mitigation work done on it: ☒ Was this site previously damaged? ☒ Yes ☐ No ☐ Unsure

SITE NUMBER 1 - LOCATION

MAMMOTH BAR RD. (EAST OF OLD AUBURN-FOREST HILL RD.)

## SITE NUMBER 1 - DAMAGE DIMENSIONS AND DESCRIPTION

DUE TO THE RECENT STORM, HIGH FLOOD WATERS FROM THE AMERICAN RIVER CAUSED THE MOTORCYCLE TRACK TO BE COMPLETELY DESTROYED. THE TRACK COVERED AN AREA THAT WAS 3500 FT BY 300 FT. THE TRACK HAD MULTIPLE BERMS AND BANKS MADE ON IT FOR THE MOTORCYCLES TO RIDE ON. THE TRACK ALSO HAD AN IRRIGATION SYSTEM THAT WAS WASHED AWAY AND DAMAGED BY THE FLOOD WATERS. 15 SIGNS IN THE PARKING AREA WERE DESTROYED. THE TRACK WAS ALSO DESTROYED IN 1997.

## SITE NUMBER 1 - SCOPE OF WORK

UTILIZING A SMALLER TYPE DOZER PROCEED AROUND THE AREA OF THE TRACK AND REALIGN AND ROUGH GRADE TO RESTORE THE TENTATIVE VERTICAL AND HORIZONTAL CONFIGURATION OF THE ORIGINAL TRACK. SANDY AND SILT TYPE MATERIALS WILL BE REMOVED AND RELOCATED. DEBRIS WILL ALSO BE REMOVED AT THIS TIME. IMPORT APPROXIMATELY 4000 CYS OF COMESIVE TYPE SOIL AND RECONSTRUCT TO REPLICATE THE BERMS AND MOUNDS TO PRE DISASTER CONDITION. DEPENDING ON THE FEASIBILITY OF ROUTING DELIVERY TRUCKS THE SOIL MAY HAVE TO BE STOCKPILED IN THE PARKING LOT AND FERRIED TO THE LOCATIONS BY A LARGE CAPACITY FRONT END LOADER. A LARGE DOZER WILL BE REQUIRED TO BLEND THE IMPORTED SOIL AND COMPACT TO CONSTRUCT THE TRACK. OPTIMUM WATER CONTENT OF THE SOILS WILL NEED TO BE MAINTAINED. MOST ECONOMICALLY, BY ENGINE DRIVEN FIRE PUMP AND HOSE ASSEMBLY USING RIVER WATER. FINAL TRACK CONFIGURATION SHOULD ALSO INCORPORATE A IRRIGATION SYSTEM TO KEEP TRACK AT OPTIMUM CONDITION AND LIMIT AIRBORNE DUST. REPLACE 15 "PARKING HAZARD SIGNS" THAT WERE DESTROYED. THIS ESTIMATE IS BASED ON THE APPLICANTS RECONSTRUCTION SCOPE OF WORK. APPLICANT IS ALSO OBTAINING BIDS FOR THIS WORK. HMP ISSUES ARE ALSO INCLUDED.

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA - DR1629

PREPARED DATE 03/16/2006

FIPS NO. 000-UBRA6-00

REPORT DATE 07/06/2006 14:34

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

INF TYPE ☐ INF  
☒ NON-INF  
☐ REC

FEMA PIV # 1903 VSN 0 REF# TAS SP7

Please enter date and cause of previously damaged site: Date: Cause:

Did FEMA provide funds for this in a previous disaster?

Was mitigation also approved in that disaster?

Did you complete the mitigation project prior to the current disaster?

## COST ESTIMATE

ITEM	VSN	CODE	MATERIAL AND/OR DESCRIPTION	UOM	QTY	UNIT PRICE	COST
1	0	0000	WORK TO BE COMPLETED	LS	1	\$0.00	\$0.00
2	0	9999	DOZER 750 W/OPERATOR	HR	320	\$100.00	\$32,000.00
3	0	9999	3 CY LOADER W/OPERATOR	HR	200	\$100.00	\$20,000.00
4	0	9999	IMPORT SOIL	CY	4300	\$35.00	\$150,500.00
5	0	9999	PARKING-HAZARD SIGNS (CAL TRANS PRICING)	EA	15	\$337.00	\$5,055.00
6	0	9999	IRIGATION SYSTEM	LS	1	\$7,000.00	\$7,000.00
7	0	0900	HURD MITIGATION PROPOSAL	LS	1	\$18,000.00	\$18,000.00
Eligible Amounts:							
Total (this version)							\$332,555.00
Total Oblig To Date							\$332,555.00
Unobligated + Obligated							\$332,555.00
Federal Share for Obligated and Unobligated							\$174,416.25

## SPECIAL CONSIDERATIONS

- 1 Does the damaged facility or item of work have insurance coverage and/or is it an insurable risk (e.g., buildings, equipment, vehicles, etc.)? ☐ Yes ☒ No ☐ Unsure
- 2 Is the damaged facility located within a floodplain or coastal high hazard area and/or does it have an impact on a floodplain or wetland? ☒ Yes ☐ No ☐ Unsure

COMMENTS 05/09/2006 22:58:31 THIS SITS ON THE BANK OF THE NORTH FORK OF THE AMERICAN RIVER.  
FIRM #08061C04 450F ZONE A

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA-DR1628

FIPS NO. 000-USRA5-00

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

FEMA PW # 1903 VSN 0 REF# TAS SP7

PREPARED DATE 03/10/2006

REPORT DATE 07/06/2006 14:34

INF TYPE ☐ INF  
☒ NON-INF  
☐ REC

## SPECIAL CONSIDERATIONS

- 2 Is the damaged facility located within a floodplain or coastal high hazard area and/or does it have an impact on a floodplain or wetland? ☒ Yes ☐ No ☐ Unsure

COMMENTS: 05/24/2006 22:10:25 THIS FACILITY IS LOCATED IN THE 100-YEAR FLOODPLAIN. FEMA HAS APPLIED THE 6-STEP DECISION-MAKING PROCESS PER 44 CFR 5.6, AND HAS DETERMINED THAT THE PROJECT WILL RESULT IN NO SHORT OR LONG-TERM ADVERSE EFFECTS. APPLICANT IS RESPONSIBLE FOR OBTAINING LOCAL FLOODPLAIN ADMINISTRATOR CLEARANCE. T. LANG, ENVIRONMENTAL SPECIALIST

- 3 Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or an otherwise Protected Area? ☐ Yes ☒ No ☐ Unsure

- 4 Will the proposed facility repairs/reconstruction change the pre-disaster conditions (e.g., footprint, material, location, capacity, use or function)? ☐ Yes ☒ No ☐ Unsure

- 5 Does the applicant have a hazard mitigation proposal or would the applicant like technical assistance for a hazard mitigation proposal? ☒ Yes ☐ No ☐ Unsure

COMMENTS: 06/09/2006 22:58:31 SEE HMP ATTACHMENT

- 6 Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than 50 years? Are there more similar buildings near the site? ☐ Yes ☒ No ☐ Unsure

- 7 Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland? ☒ Yes ☐ No ☐ Unsure

COMMENTS: 06/09/2006 22:58:31 AMERICAN RIVER CANYON SRA

- 8 Are there any hazardous materials at or adjacent to the damaged facility and/or item of work? ☐ Yes ☒ No ☐ Unsure

- 9 Are there any other environmental or controversial issues associated with the damaged facility and/or item of work? ☒ Yes ☐ No ☐ Unsure

COMMENTS: 06/09/2006 22:58:31 FISH AND GAME PERMIT MIGHT BE NEEDED.

## PROJECT WORKSHEET REPORT

DECLARATION NO: FEMA-CA - DR1826

RIPS NO: 000-UBRA5-00

APPLICANT NAME: CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

FEMA PW# 1803 VSN 0 RSF# TAS SP1

PREPARED DATE 03/10/2006

REPORT DATE 07/06/2006 14:34

INF TYPE ☐ INF  
☒ NON-INF  
☐ REC

## FLOODPLAIN

Applicant Type (A) Facility

1. Is the project in a Wetland (Swamp, marsh, etc.)? (B) No STEP 1

2. Is the project on a RA/FEMA map? Yes Map No. 06061C04

3. Total PW estimated cost of restoration (C) 0 - 49%

4. Has this project been damaged by flooding previously? (D) Yes Location 100-year Floodplain

Has a flood insurance payment(s) ever been received? No When?

5. Land Use Upstream 5. Land Use Downstream

Forest/Desert Forest/Desert

6. Recommendation Restore Facility w/MT

Federal Inspector THOMAS LANG

Date 05/24/2006 00:00:00

7. Justification for Floodway or Coastal High Hazard Area Location (E) Functionally Dependent Use

8. Initial Notice Determination Step 2 Cumulative

(A) Degree of Public Need Minimal

(B) Number of Individuals Affected

Repair/Replacement Relocate No FEMA Action

(C) Potential for Controversy

(D) Potential Impact

9. Are the following alternatives feasible? (Base your decision on the considerations listed below)

(A) Engineering (C) Economic Aspects (E) Legal Constraints

Restore w/MT

STEP 3

Minimize danger to lives

Minimize damage to facility

Minimize damage elsewhere

Reduce support of floodplain or wetland

Restore floodplain values

Maintain or improve economic resources

Maintain or improve social resources

	1	2	3	4	5	6
Minimize danger to lives	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
Minimize damage to facility	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
Minimize damage elsewhere	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
Reduce support of floodplain or wetland	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
Restore floodplain values	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
Maintain or improve economic resources	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
Maintain or improve social resources	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N

10. Feasible Alternatives that will minimize adverse impacts

- ☐ 1. Relocated outside the base floodplain  
☒ 2. Restore w/MT  
☐ 3. Transfer function to another facility  
☐ 4. Reduce scope of work  
☐ 5. Restore w/o MT  
☐ 6. No action (Disapprove project)  
☐ 7. Suspend for further investigation

11. Re-evaluate the alternatives. Select the number of the chosen alternative from STEP 3. If none, select "None" and indicate suspension in STEP 8 with a "T"

STEP 6

2

12. Final Notice Determination

First check if any of the following apply:

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA/CA - DR1626

FIPS NO. 000-U8RA5-00

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

FEMA PW # 1903 VSN 0 REF# TAS SP7

PREPARED DATE 03/10/2006

REPORT DATE 07/06/2006 14:34

INF TYPE ☐ INF  
☒ NON-INF  
☐ REC

- ☐ Critical Action
- ☒ PW > \$100,000
- ☐ Repair is substantial improvement
- ☒ Previously damaged in declared flooded disaster
- ☐ Located in floodway or coastal high hazard area
- ☐ An individual final notice was issued
- ☐ Past flood insurance payment(s)

FEMA Reviewer

LANG, THOMAS

Date

05/24/2006 00:03:00

## STEP 7

Cumulative Final Notice

## STEP 8

☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7



## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA - DR1528

FIPS NO. 000-UBAS-00

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

FEMA PIN# 1903 VSN 0 REF# TAS SP7

PREPARED DATE 05/10/2006

REPORT DATE 07/06/2006 14:34

INF TYPE ☐ INF  
☒ NONINF  
☐ REC

**ENVIRONMENTAL - All Environmental Review is complete. Project must be implemented in accordance with conditions list below.**

Laws/EOs	Status
Coastal Barriers Resources Act (CBRA)	Gen Revw/NA
Clean Water Act (CWA)	Gen Revw/NA
Coastal Zone Management Act (CZMA)	Gen Revw/NA
Endangered Species Act (ESA)	Gen Revw/NA
Fish and Wildlife Coordination Act (FWCA)	Gen Revw/NA
National Historic Preservation Act (NHPA)	Gen Revw/NA
Clean Air Act (CAA)	Gen Revw/NA
E.O. 11989: Flood Plains	Gen Revw/NA
E.O. 11990: Wetlands	Gen Revw/NA
E.O. 12896: Environmental Justice for Low Income and Minority Populations	Gen Revw/NA

**NEPA Level of Review - NEPA review is complete. - TLAND1 - The project is Categorically Excluded under 44 CFR 16.6(d):**

16. Improvements to existing facilities and the construction of small scale hazard mitigation measures (xvi)

Documentation Complete 05/10/2006

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA-DR 1628

RPS NO. 000-UBRAS-00

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

FEMA PW # 1803 VSN 0 REP# TAS SP7

PREPARED DATE 03/10/2006

REPORT DATE 07/08/2006 14:34

INF TYPE ☐ INF  
☒ NON-INF  
☐ RECStandard Conditions

1. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
2. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
3. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA - DR1626

PREPARED DATE 03/10/2006

FIPS NO. 000-U8RA6-00

REPORT DATE 07/05/2006 14:34

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

INF TYPE ☐ INF  
☒ NON-INF  
☐ REC

FEMA FIRM 1903 VSN 0 REF# TAS SP7

## MITIGATION

Check here if effective mitigation is feasible on this project: ☒Check here if mitigation will be performed on any sites in this project: ☒☒ Mitigation Policy☒ 15%

## Hazard Mitigation Proposal

Check here if you would like to automatically include estimate as a line item on the project: ☒

## Scope of Work

Install 180 ft of CMP at key locations to convey surface drain water out and away from the track to a detention basin wherein sediments and colloidal materials can settle out prior to reaching the American River. A key element of the drainage issue would be the development of an area wide drainage system which diverts the surrounding watershed drainage away from the track.

ITEM	CODE	MATERIAL AND/OR DESCRIPTION	UOM	QTY	UNIT PRICE	COST
9999	9999	18 IN CMP CULVERT PIPE	LF	180	\$50.00	\$8,000.00
9999	9999	NEW WATERSHED DRAINAGE DIVERSION	LS	1	\$10,000.00	\$10,000.00
Total						\$18,000.00

## GENERAL COMMENTS

05/10/06 - COST OF MITIGATION WORK AT THIS DAMAGE SITE HAS BEEN DETERMINED TO BE COST EFFECTIVE PER RAR POLICY NUMBER 9526.1, HAZARD MITIGATION FUNDING UNDER SECTION 426 OF THE STAFFORD ACT. MEASURES MAY AMOUNT TO 15% OF THE TOTAL ELIGIBLE REPAIR WORK ON A SPECIFIC PROJECT. AL HARTUNG, FEMA REVIEW

05/10/06 - USFWS/MISSISSIPPIANDB DATA CONSULTED - NO FEDERALLY LISTED SPECIES OR SUITABLE HABITAT LOCATED NEAR THE PROJECT AREA. T. LANG

05/24/06 - THIS FACILITY IS LOCATED IN THE 100-YEAR FLOODPLAIN. FEMA HAS APPLIED THE 5-STEP DECISION-MAKING PROCESS PER 44 CFR 9.0, AND HAS DETERMINED THAT THE PROJECT WILL RESULT IN NO SHORT OR LONG-TERM ADVERSE EFFECTS. APPLICANT IS RESPONSIBLE FOR OBTAINING LOCAL FLOODPLAIN ADMINISTRATOR CLEARANCE. T. LANG, ENVIRONMENTAL SPECIALIST

## PROJECT WORKSHEET REPORT

DECLARATION NO. FEMA-CA - DR1628

FIPS NO. 000-USRA5-00

APPLICANT NAME CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

SUBDIVISION

FEMA PW # 1903 VSN 0 REF# TAS SP7

PREPARED DATE 05/10/2006

REPORT DATE 07/06/2006 14:34

INF TYPE ☐ INF  
☒ NON-INF  
☐ REC

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State Comments

5/16/06 OES has determined that the HMP is eligible.KL

OES agrees with it's PW @ \$232,555 on 5-31-06 RP

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PW REQUIRED REVIEWS

REVIEW	REVIEW STATUS	RECOMMENDATION	ASSIGNED REVIEWER	REVIEWER	DATE SUBMITTED	DATE REVIEWED
Initial	Complete	Eligible		makmal	05/10/2006	05/10/2006
Environmental	Complete	Eligible		liang1	05/10/2006	05/10/2006
Floodplain Management	Complete	Eligible	THOMAS LANG	liang1	05/10/2006	05/24/2006
Mitigation Staff	Complete	Eligible		shertung	05/10/2006	05/10/2006
Final	Complete	Eligible		shertung	05/24/2006	05/31/2006

## Appendix C: Draft Streambed Alteration Agreement

Page 1 of 3

**Lynch, Mike**

**From:** Lynch, Mike  
**To:** Gary Hobgood  
**Cc:**  
**Subject:** RE: SAA #1600-2006-0445-R2 Mammoth Bar OHV MX Track RepairProject  
**Attachments:**

**Sent:** Tue 12/12/2006 5:23 PM

Thanks Gary...Mike Lynch

-----Original Message-----

**From:** Gary Hobgood [mailto:ghobgood@dfg.ca.gov]  
**Sent:** Tuesday, December 12, 2006 4:51 PM  
**To:** Lynch, Mike  
**Subject:** RE: SAA #1600-2006-0445-R2 Mammoth Bar OHV MX Track RepairProject

Mike,

We'll hold the agreement. Let me know when you have your document.

Gary

>>> "Lynch, Mike" <MLYNC@parks.ca.gov> 12/12/2006 4:37 PM >>>  
Hi Gary,

I got your phone call on the CEQA determination. We are done with our CEQA, but we are doing a joint environmental review with the US Bur. of Reclamation and the NEPA is not quite done yet and thus both are held up for the moment.

So, I will send you a copy of the CEQA determination, as soon as it is finally done (hopefully in the very near future).

Until then, I'm assuming you can just hold the agreement for signing until we get this to you?

Thanks for all your help.

Mike Lynch

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M.G. "Mike" Lynch  
Acting Supt. I - Mammoth Bar OHV Track Repair Project  
Supervisor - Environmental Resources Group  
Calif. State Parks - Auburn SRA - Gold Fields District  
501 El Dorado Street, Auburn, CA 95603-4949  
530-823-4140 Cell: 530-305-7794 Fax: 530-885-2798

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-----Original Message-----

**From:** Gary Hobgood [mailto:ghobgood@dfg.ca.gov]  
**Sent:** Tuesday, November 07, 2006 11:12 AM  
**To:** Lynch, Mike  
**Subject:** SAA #1600-2006-0445-R2 Mammoth Bar OHV MX Track Repair Project

<https://mail.parks.ca.gov/exchange/MLYNC/Sent%20Items/RE:%20SAA%20%231600-2006-0445...> 12/14/2006

Dear Michael:

Attached is a draft copy of Streambed Alteration Agreement number 1600-2006-0445-R2 for the Mammoth Bar MX Track Repair Project at the Middle Fork American River. At your earliest convenience, please send me an email indicating that you have received this draft agreement. Please let me know if you have any difficulties opening and viewing the attached WORD document. Please review the agreement with the appropriate parties. If you have any questions regarding the proposed provisions please contact me via email at ghobgood@dfg.ca.gov or phone me at (916) 983 6920. Revisions to the document must be reviewed and approved the Department. Suggested text revisions should be emailed to the same email address.

When we have agreed on the terms of the streambed alteration agreement, you can print out official copies of the document and have the agreement signed by the appropriate representative(s). If you have not selected a contractor at this point, the contractor must sign the field copy of the agreement prior to beginning work within the stream zone. The signed agreement must mail or deliver to: Department of Fish & Game, Environmental Services Desk, 1701 Nimbus Road, Suite A, Rancho Cordova, CA 95670.

Please send me an email note when to you have sent the signed agreement to the Region Office. In addition, please send, fax or email me a copy of the Notice of Determination once it becomes available.

Upon receipt of the signed agreement, the Department will fulfill its obligation as a Responsible Agency as defined in the California Environmental Quality Act (CEQA). The project description and the signed agreement and CEQA Documents prepared by the Lead Agency are of prime consideration as the Department files its Notice of Determination (Section 21108 of Public Resources Code). The Department will not be able to sign the agreement until after the CEQA review process is completed. The Operator may begin the proposed project, as conditioned in the streambed alteration agreement, after the Department signs the streambed alteration agreement and returns a copy of the agreement to you. If you have any questions regarding the CEQA process or the status of the CEQA review after you have submitted the signed agreement, please give me a call.

Please respond by December 7, 2006.

Sincerely,

Gary L. Hobgood  
Environmental Scientist  
California Department of Fish and Game  
Habitat Conservation Division  
Sacramento Valley Central Sierra Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
916.983.6920 Phone & Fax  
916.870.5566 Cellular  
ghobgood@dfg.ca.gov

Notification No. 1600-2006-0445-R2

**AGREEMENT REGARDING PROPOSED STREAM ALTERATION**

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and California Department of Parks and Recreation, Auburn State Recreation Area of Auburn, State of California, hereafter called the Operator, is as follows:

WHEREAS, pursuant to California Fish and Game Code, Section 1602, the Operator, on November 7, 2006, notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed of, the following water: Middle Fork of the American River, in the County of Placer, State of California, Section 5, Township 12N, Range 9E, USGS Map Auburn, CA MDB&M.

WHEREAS, the Department, represented by Gary Hobgood, has determined that such operations may substantially adversely affect existing fish and wildlife resources including: various life stages of fish, other forms of vertebrate and invertebrate aquatic life, amphibians, reptiles and nesting birds and riparian plant species.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the Operator's work. The Operator hereby agrees to accept the following recommendations as part of his work:

*This agreement pertains to the Mammoth Bar OHV Area – MX Track Repair Project. The project description, avoidance measures and mitigation measures are presented in the Draft Initial Study/Environmental Assessment, dated September 2006. The project is designed to repair storm damage to the MX Track and not to increase the size or operation of the MX Track.*

**Stream Zone Defined:** The stream zone is that portion of the stream channel that restricts lateral movement of water. The stream zone is delineated at the top of the bank or the outer edge of any riparian vegetation, whichever is more landward.

1. The notification, together with all supporting documents submitted with the notification, including the **Mammoth Bar OHV Area – MX Track Repair, Draft Initial Study/Environmental Assessment**, dated September 2006, are hereby incorporated into this agreement to describe the location and features of the proposed project. The Operator agrees that all work shall be done as described in the notification and supporting documents, incorporating all project modifications, wildlife resource protection features, mitigation measures, and provisions as described in this agreement. Where apparent conflicts exist between the notification and the provisions listed in this agreement, the Operator shall comply with the provisions listed in this agreement. The Operator further agrees to notify the Department of any modifications made to the project plans submitted to the Department. At the discretion of the Department, this agreement will be amended to accommodate modifications to the project plans submitted to the Department and/or new project activities. Please see the current fee schedule to determine the appropriate amendment fee.
2. Documents, plans, surveys, notifications, and requests pertaining to this project or required by this agreement may be sent via email to Gary Hobgood at [ghobgood@dfg.ca.gov](mailto:ghobgood@dfg.ca.gov) or delivered to the Department of Fish and Game at 1701 Nimbus Road, Suite A, Rancho Cordova, CA 95670. Refer to Notification Number 1600-2006-0445-R2 when submitting documents to the Department.
3. The time period for completing the work within the stream zone of Middle Fork American River



Notification Number 1600-2006-0445-R2  
Middle Fork American River – Mammoth Bar MX Track Repair  
Page 2

shall be restricted to periods of low stream flow and dry weather. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities shall cease until all reasonable erosion control measures have been implemented prior to all storm events. No work will occur during wet weather. Wet Weather is defined as when there has been ¼ inch of rain in a 24-hour period. In addition, no work will occur during a dry out period of 24 hours after the above referenced wet weather. Revegetation, restoration and erosion control work is not confined to this time period.

4. The Operator is responsible for obtaining all required permits and authorizations from local, state and federal agencies. The Operator shall notify the Department where conflicts exist between the provisions of this agreement and those imposed by other regulatory agencies. Unless otherwise notified, the Operator shall comply with the provision that offers the greatest protection to water quality, species of special concern and/or critical habitat.
5. A copy of this agreement shall be provided to the Contractor(s) who works within the stream zone of this project. A copy of this agreement and a copy of the project description, as submitted to the Department, must be available upon request at the work site. The Contractor(s) shall sign this agreement prior to working within the stream zone. The Contractor(s) or a designated crew supervisor(s) shall be on site the entire time a work crew is working near the stream zone. The supervisor(s) shall be completely familiar with the terms and conditions of this agreement and shall ensure compliance with all terms and conditions. The Department reserves the right to enter the project site at any time to ensure that there is compliance with the terms/conditions of this Agreement.
6. The Operator shall notify the Department within two working days of beginning work within the stream zone of Middle Fork American River. In addition, the Operator/Contractor shall notify the Department within two working days of the completion of work within the stream zone on this project.
7. Work in the flowing portion of the river is not allowed without written authorization by the Department.
8. No trees that contain active nests of birds that are protected by the Migratory Bird Act shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a Department representative.
9. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. No native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a Department representative. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation shall be removed out of the riparian/stream zone.
10. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not

Notification Number 1600-2006-0445-R2

Middle Fork American River – Mammoth Bar MX Track Repair

Page 3

allowed to pass to downstream reaches. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes. The Operator is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated.

11. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake, by the Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately. The Department shall be notified immediately by the Operator of any spills and shall be consulted regarding clean-up procedures.
12. During construction, the contractor shall not dump any litter or construction debris within the stream zone. All construction debris and associated materials shall be removed from the work site upon completion of this project.
13. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the construction activities shall be restored using native grass seeds, native grass plugs and/or a mix of quick growing sterile non-native grass with native grass seeds. This provision does not apply to the track portions of the project.
14. This agreement is not valid and work may not begin until the agreement is signed by a representative of the Department of Fish & Game. Stream alteration work authorized by this agreement expires on December 31, 2010. This agreement shall remain in effect for that time necessary to satisfy all required mitigation and monitoring measures.
15. Requests for Extensions (agreement renewal), Minor Amendments, and Major Amendments must be submitted in writing prior to expiration of the agreement or commencement of work on modified project plans. Extensions and Amendments are issued at the discretion of the Department. Please see the current fee schedule to determine the appropriate fee.
16. The Department may take enforcement action and reserves the right to suspend and/or revoke this agreement if the Department determines that the circumstances warrant. The circumstances that could require these Department actions include, but are not limited to, the following: A) Failure to comply with the terms/conditions of this agreement. B) The information provided by the operator in support of the agreement/notification is determined by the Department to be incomplete, or inaccurate. C) When new information becomes available to the Department representative(s) that was not known when preparing the original terms/conditions of this agreement. D) The project as described in the notification, agreement, or amendment has changed, or conditions affecting fish and wildlife resources change.

Notification Number 1600-2006-0445-R2  
Middle Fork American River – Mammoth Bar MX Track Repair  
Page 4

17. If, in the opinion of the Department, conditions arise or change in such a manner as to be considered deleterious to aquatic life, operations shall cease until corrective measures are taken.
18. It is understood that the Department enters into this agreement for purposes of establishing protective features for fish and wildlife, in the event that a project is implemented. The decision to proceed with the project is the sole responsibility of the Operator, and is not required by this agreement. It is agreed that all liability and/or incurred costs related to or arising out of the Operator's project and the fish and wildlife protective conditions of this agreement, remain the sole responsibility of The Operator. The Operator agrees to hold harmless and defend the State of California and the Department of Fish and Game against any related claim made by any party or parties for personal injury or other damage.

Notification Number 1600-2006-0445-R2  
Middle Fork American River – Mammoth Bar MX Track Repair  
Page 5

### SIGNATURE PAGE

The Operator, as designated by the signature on this agreement, shall be responsible for the execution of all elements of this agreement. A copy of this agreement must be provided to contractor and subcontractors and must be in their possession at the work site.

Failure to comply with the provisions of this agreement and with other pertinent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652 and 5948, may result in prosecution.

Nothing in this agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances.

This agreement is not valid and work may not begin until the agreement is signed by a representative of the Department of Fish & Game.

Operator:  Date 12/4/06

Title: Supt. I

Organization: California State Parks

Contractor: \_\_\_\_\_ Date \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Department  
Representative: Sandra Morey, Regional Manager Date \_\_\_\_\_